IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No.163 of 2006
in
Notice of Motion No 1937 of 2003
in
Misc. Petition (Lodging) No.336 of 2003
in
Execution Application No 486 of 2003

Chirag Sanjeev Kapadia . ..Appellant
vs
Mrs Jyotsna Vipin Kapaida and Ors. ..Respondents

Mr.Shyam Mehta instructed by Thakordas Magaokar for appellant.
Mr Burges Colabawala instructed by Madekar and Co. for respondent Nos. 1 and 2.

CORAM: KSHITIJ R. VYAS, C.J., &
ABHAY S. OKA,J.

DATE: JULY 5, 2006.

P.C.:-

Having heard the learned counsel for the appellants as well as responent Nos.1 and 2, we are of the opinion that in so far as the observations made in paragraph 10 of the impugned order dated 16th September, 2005 passed in the Notice of Motion No 1937 of 2003 are prima facie view expressed by the learned single Judge. The learned counsel for the parties agree that as far as share of the appellant is concerned, the appellnt is entitled to have 33% share instead of 25% in the propety as

recorded by the leaned single Judge. The impougned order stands modified accordingly.

Now the only grievance made by the learned counsel for the apepllant is that the learned single Judge has not issued any directions regarding furnishing of the accounts. The appellant is at liberty to take out appropriate proceedings claiming the said relief before the learned single Judge. With these observations appeal stands disposed off.

CHIEF JUSTICE

ABHAY S. OKA, J.